UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,163	03/12/2004	Vijay Deshmukh	67272-8062.US01	9062

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EXAMINER
LE, MIRANDA

ART UNIT	PAPER NUMBER
2169	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/800,163	DESHMUKH ET AL.
	Examiner	Art Unit	
	MIRANDA LE	2169	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>24 December 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because
   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b)☐ They raise the issue of new matter (see NOTE below);
   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: <u>1-18,28,32,34-36 and 39-41</u>.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
    See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure* Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☒ Other: IDS filed on 11/13/08.

/Miranda Le/
Primary Examiner, Art Unit 2169

U.S. Patent and Trademark Office
PTOL-303 (Rev. 08-06)　　　　　　　**Advisory Action Before the Filing of an Appeal Brief**　　　　　　　Part of Paper No. 20090107

Continuation of 11. does NOT place the application in condition for allowance because: Applicants' arguments do not overcome the final rejection.

I.   Claims Rejected Under 35USC 103

1. In response to Applicant's arguments regarding "Horn does not teach "assigning unique identification number to directories of the storage server in a depth first search order during the file walk" or traversing the stored indication based on the unique identification numbers to determine relationships between the directories of the storage server", the Examiner respectfully submits that Horn reads on the claimed limitation as follows:

the file walk equates to "Traverse" of Horn, col. 34, lines 29-65 (i.e. Traverse: A procedure recursively descends the folder hierarchy, creating data entries that are stored in an array. Each entry contains a file system specifier that represents the file; a depth in the folder hierarchy; and a flag that determines whether the file system specifier is for a folder or a file. The array is then sorted, deepest objects in the tree first (so that files within a folder are created before the folder is), col. 34, lines 29-65).

a depth first search order equates to "descends the folder hierarchy, or a depth in the folder hierarchy" of Horn, col. 34, lines 29-65 (i.e. Traverse: A procedure recursively descends the folder hierarchy, creating data entries that are stored in an array. Each entry contains a file system specifier that represents the file; a depth in the folder hierarchy; and a flag that determines whether the file system specifier is for a folder or a file. The array is then sorted, deepest objects in the tree first (so that files within a folder are created before the folder is), col. 34, lines 29-65).

assigning unique identification number to directories equates to "creating data entries" of Horn, col. 34, lines 29-65 (i.e. Traverse: A procedure recursively descends the folder hierarchy, creating data entries that are stored in an array. Each entry contains a file system specifier that represents the file; a depth in the folder hierarchy; and a flag that determines whether the file system specifier is for a folder or a file. The array is then sorted, deepest objects in the tree first (so that files within a folder are created before the folder is), col. 34, lines 29-65).

It is important to note that the term "recursive" should be understood as a plurality of routines, e.g. a first, second, third ... routine. Therefore, one skill in the art should understand that a procedure recursively descends folder hierarchy should include a first routine that is interpreted as a depth first search order.

2. In response to Applicant's arguments regarding "Horn does not teach "traversing the stored indications based on the unique identification numbers to determine relationships between the directories of the storage server", the Examiner respectfully disagrees.

Horn teaches this step as examining its metadata and determining in which collections the object belongs (i.e. The entries are fetched one by one from the array. For each entry, a reference object is created with the entry's information (e.g. the file specifier and any metadata that was previously fetched and added to the catalog). A new array of reference objects is created. 4) Classify: Each object in the array is then classified by examining its metadata and determining in which collections the object belongs, based on the collections' specifications, col. 34, lines 29-65).

3. In response to Applicant's arguments regarding "Horn does not teach First thread, second thread", the Examiner respectfully points out that:

First thread equates to "assigning unique identification number to create data entries of Horn (i.e. This thread performs the following functions, ... creating data entries that are stored in an array, col. 34, lines 29-65).

Second thread to examine determined files equates to "examining its metadata and determining in which collections the object belongs of Horn (i.e. This thread performs the following functions... examining its metadata and determining in which collections the object belongs, based on the collections' specifications, col. 34, lines 29-65).

Therefore, Horn does disclose each and every element recited in Applicant's claims. The claim language as presented is still read on by the Horn reference at the cited paragraph in the claim rejections.

II.   Claims Rejected Under 35USC 103

1. In response to Applicant's arguments regarding "Chen does not teach "assigning a depth first search ID to the first directory, wherein the directory numbers are assigned while the directory structure is being traversed in the DFS order", the Examiner respectfully traverses.

Chen teaches a walking function "htwalk" that is specified by a root URL as http://www.att.com/?iproxy&htwalk=3,-local,-image,archive,grep=Cable, col. 5, lines 59 to col. 6, line 25.

The search ID equates to http://www.att.com/?iproxy&htwalk=3,-local,-image,archive,grep=Cable of Chen (i.e. See FIG. 10 for the structure of a walking function, "htwalk", designed in accordance with a preferred embodiment of the present invention. The syntax for the walking function is given in FIG. 3. For example, for the URL http://www.att.com/?iproxy&htwalk=3,-local,-image,archive,grep=Cable, col. 5, lines 59 to col. 6, line 25).

The first directory equates to http://www.att.com of Chen (i.e. See FIG. 10 for the structure of a walking function, "htwalk", designed in accordance with a preferred embodiment of the present invention. The syntax for the walking function is given in FIG. 3. For example, for the URL http://www.att.com/?iproxy&htwalk=3,-local,-image,archive,grep=Cable, col. 5, lines 59 to col. 6, line 25).

Notably, Chen implicitly teaches "a depth first search" as walk=3 (i.e. See FIG. 10 for the structure of a walking function, "htwalk", designed in accordance with a preferred embodiment of the present invention. The syntax for the walking function is given in FIG. 3. For example, for the URL http://www.att.com/?iproxy&htwalk=3,-local,-image,archive,grep=Cable, col. 5, lines 59 to col. 6, line 25). Although Chen does not explicitly indicate the term "a depth first search", the directory numbers are assigned equates to creating index tables, col. 5, lines 59 to col. 6, line 25.

2. In response to Applicant's arguments regarding "Chen does not teach "placing the first subset of files in a file queue for examination by a file thread", the Examiner notes that:

Chen teaches the step of placing the first subset of files in a file queue as "placing each visited page in a cache of the page" (i.e. For each visited page, one or more of a list of functions can be invoked one by one to perform tasks on a cache of the page. Examples of such functions include functions for archiving the web pages, searching for keywords, and creating index tables, col. 5, line 60 to col. 6, line 25).

The step of examination equates to "archiving the web pages, searching for keywords", col. 5, lines 59 to col. 6, line 25.

A file thread limitation equates to iProxy Main Thread in Fig. 10 of Chen.

For the reasons set forth above, Applicant's arguments have been fully considered but are not persuasive. Accordingly, the claimed invention as represented in the claims does not represent a patentable over the art of record.